



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

WEB COPY

C.R.P (MD)No.2505 of 2012

S.Deivanai (died)

1.P.Krishnammal

2.S.Gomathi

3.S.Chinnammal

4.S.Jeyakodi

5.S.Mani

... Revision Petitioners/
Petitioners 7 to 11/
Proposed Petitioners

vs

1.S.Lakshmi

2.S.Sudalaiyandi

3.S.Rooba

4.S.Mariappan

5.S.Arumugasamy

... Respondents 1 to 5/
Petitioners 1 to 5/
Claimants

6.The Branch Manager,

The Oriental Insurance Company Limited,

Madurai.

... 6th Respondent/2nd Respondent/
2nd Respondent

PRAYER: Civil Revision Petition filed under Article 227 of the Constitution of India, against the un-numbered I.A of 2012 in M.C.O.P.No.238 of 2007 on the file of the Motor Accident Claims Tribunal, Principal District Court, Tuticorin.

For Petitioners : Mr.S.Siva Thilakar

For RR 1 to 5 : No appearance

For R - 6 : Mr.K.Bhaskaran

ORDER

The Civil Revision Petition is filed against the un-numbered I.A of 2012 in M.C.O.P.No.238 of 2007, on the file of the Motor Accident Claims Tribunal, Principal District Court, Tuticorin.



2.In the said M.C.O.P., an award was passed by the Motor Accident Claims Tribunal, Principal District Court, Tuticorin, on 09.02.2009, directing the sixth respondent to pay a sum of Rs.4,38,000/- with interest. The sixth claimant was the mother of the deceased-Sundaravel and as per the apportionment of the award, she was entitled to a sum of Rs.88,000/- with interest. After the award was passed, the sixth claimant Deivanai died on 28.01.2009, leaving behind her heirs. The present I.A is filed to implead the heirs of the deceased Deivanai, which has not been numbered and returned by the Motor Accident Claims Tribunal, as not maintainable. Against which, the above Civil Revision Petition is filed.

3.Heard the learned counsel for the revision petitioners and the learned counsel for the sixth respondent and perused the materials available on record.

4.It is to be seen that if the sixth claimant, as a mother, is entitled for a share in the award and she had left behind her heirs before receiving the amount, the heirs may be entitled for the same. Therefore, the Motor Accident Claims Tribunal, Principal District Court, Tuticorin, is directed to number the I.A and dispose of the same in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

5.With the above direction, the Civil Revision Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ps

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

<https://hcservices.ecourts.gov.in/hcservices/>



To

- 1.The Motor Accident Claims Tribunal,
Principal District Court,
Tuticorin.

Copy to:-

- 1.The Record Keeper,
Vernacular Section,
Madurai Bench of Madras High Court,
Madurai. 2 Copies
2. The Registrar (Judicial)
Madurai Bench of Madras High Court,
Madurai

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CN(07.05.2021) 3P 5C